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From: "Rob Hodges" <rhodges@kstelecom.com>  
To: "Roxanne Lumme (E-mail)" <rlumme@usta.org>, <jrones@usta.org>  
Date: 8/10/01 12:23PM  
Subject: USTA's Comments on TRS

Roxanne and Julie:

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AUG 13 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

I read with interest the article [reproduced below] in this week's USTA Weekly. The Kansas Telecommunications Industry Association [KTIA] has for years allowed me to divide my time to serve as president of the KTIA and president of Kansas Relay Service, Incorporated, [KRSI, or "krissy" as we call it] the not-for-profit corporation created to perform administrative duties for the TRS effort in Kansas.

KRSI is "certified" by the FCC as the provider of TRS in Kansas. We contract with a TRS vendor [Southwestern Bell, currently], coordinate the work of the KRSI Advisory Council, work with the Kansas Corporation Commission [KCC] on state level TRS issues, and generally perform the duties that an administrator of such a program would be expected to do. As the "certified" TRS provider, we bill NECA each month for the appropriate number of interstate TRS minutes.

You can imagine my surprise to read that USTA is recommending "...that the FCC examine and certify whether the party requesting reimbursement is (1) a common carrier...". Clearly, KRSI is NOT a common carrier. We DO provide for TRS services for all of the common carriers in Kansas.

I hope USTA's comments are not phrased in a way that would preclude KRSI from continuing to perform the important duties it has been performing for over eleven years [since before the passage of the ADA and the establishment of the FCC's reimbursement process for interstate TRS calls]. I would really rather be a team player and be able to support USTA's recommendations, but obviously I cannot do so if the result would be to remove KRSI from the list of entities eligible for NECA reimbursement.

I find it somewhat ironic that WorldCom would probably be the first to support USTA's recommendation regarding common carrier status for reimbursement eligibility, but your filing appears to largely challenge WorldCom's petition. In the last round of bidding for a TRS vendor in Kansas, [then] MCI's bid would not have allowed KRSI to receive NECA reimbursements directly. MCI wanted to collect and keep the NECA reimbursement. I assume their decision had something to do with the rate of the NECA reimbursement and the cost of MCI's TRS service.

As it stands now in Kansas, the price per minute for TRS from Southwestern Bell is less than the NECA reimbursement rate. KRSI takes the NECA reimbursement and deducts it from the total cost of relay. The balance is then billed to the Kansas Universal Service Fund [KUSF]. In this way, ALL Kansans who pay into the KUSF to support TRS receive the benefit when the NECA reimbursement rate exceeds the cost of TRS.

If USTA's recommendation were adopted, any amount reimbursed that exceeded the TRS provider's cost could be kept by the TRS provider. In Kansas, the citizens who contribute to the KUSF would not receive the benefit. KRSI cannot support that and neither would the citizens of Kansas.

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I hope that you will respond to this message with information that I am incorrect in my reading of the USTA recommendations. I've been wrong before and would welcome the opportunity to be wrong again in this instance.

Rob Hodges  
Kansas Telecommunications Industry Association  
AND  
Kansas Relay Service, Inc.

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**USTA FILES COMMENTS IN TWO TRS MATTERS**

On August 6, 2001, USTA filed comments in regard to the petition filed by WorldCom for clarification as to whether it is entitled to reimbursement from the Telecommunications Interstate Relay Fund concerning the provision of its IP Relay service. USTA challenged whether it should be entitled to reimbursement pursuant to section 225 of the Telecommunications Act, as amended. USTA stated that the FCC must first determine whether, as the Act requires, WorldCom is a common carrier in terms of its provision of IP Relay and whether IP Relay qualifies as a "telecommunications service," as defined by the Act. Reply comments are due on August 20.

On August 6, USTA also filed comments in another FCC rulemaking concerning proposed guidelines for administering the TRS Interstate Fund (Fund), as administered by the National Exchange Carriers Association (NECA). USTA recommended that the FCC streamline the process so that those parties seeking reimbursement from the Fund could clearly demonstrate conformance with the established statutory criteria. Streamlining this process will lend greater efficiency, enabling the public to provide reasoned comments upon such requests and allow the FCC to have the necessary foundation on which to render its decision.

To that end, USTA recommended that the FCC examine and certify whether the party requesting reimbursement is (1) a common carrier; and (2) a candidate by virtue of providing a telecommunications service. Reply comments are due August 20. For more information, please contact Julie Rones, USTA L&R at [jrones@usta.org](mailto:jrones@usta.org), (202) 326-7254. For a copy of the comments, please contact Gail Talmadge, USTA L&R Affairs at [gtalmadg@usta.org](mailto:gtalmadg@usta.org), (202) 326-7310.

Also, the FCC announced plans to hold a public forum and exhibit on TRS at its headquarters on October 1, 2001. For more information, please contact Scott Marshall of the FCC's Consumer Information Bureau at [smarshall@fcc.gov](mailto:smarshall@fcc.gov).

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